

INDIANA DEPARTMENT OF LABOR

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Common Construction Wage Implementation Manual

# Guide to Establishing the Common Construction Wage



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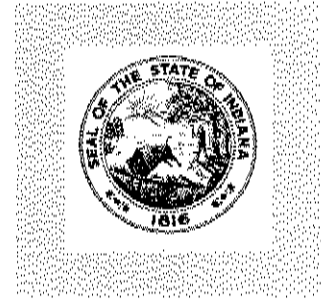
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## How to Establish the Common Construction Wage for a Public Works Project

### *The Role of the Indiana Department of Labor*

**T**he Indiana Department of Labor is the executive agency charged with administering Indiana's labor laws, including Indiana's common construction wage law. In this capacity, the Indiana Department of Labor (IDOL) takes an active role in both the facilitation of common construction wage committee meetings and the enforcement of wage determinations established by these committees.

In an effort to facilitate these meetings, the IDOL has reserved meeting times and public locations in all of Indiana's ninety-two counties. Upon request, the IDOL will arrange a common construction wage committee meeting for any awarding agency requesting such. (Note: the awarding agency must provide the IDOL with the names of the industry appointee and the applicable taxpayer appointees. The IDOL maintains lists of the other standing appointees.). The department will also provide publications and supplemental materials necessary to facilitate these meetings.

As the IDOL is also vested with the authority to enforce each committee's wage determination, the department conducts numerous audits of contractor payroll records each year to verify wage compliance with the applicable common construction wage determinations. These audits are initiated by employee complaint, agency referral, and random selection.

The department maintains a web site devoted to this subject, which can be found at: <http://www.in.gov/labor/wagehour/constructionwage.html>.

## Background

Since the Indiana General Assembly's passage of Chapter 319, Acts of 1935, Indiana's then prevailing wage law, and now common construction wage law, has succeeded in establishing the wage rates to be paid to construction workers on Indiana's public works projects.

As the overseers of this process, common construction wage committees are responsible for seeing that the wages adopted for use on the projects are the most commonly paid construction wages as defined by Indiana common construction wage law, Indiana Code 5-16-7-1 et seq. and the applicable case law.

## The Committee and Its Members

Indiana's common construction wage committees are established at the request of an awarding governmental agency. However, the committees themselves are autonomous in nature, with four of the five committee members being appointed by separate appointing authorities as specified in Indiana Code 5-16-7-1 (b).

### Each Committee Consists of:

1. A **labor representative**, appointed by the president of the state federation of labor;
2. An **industry representative**, appointed by the awarding agency;
3. A member to be **named by the governor** (traditionally from the Indiana Department of Labor);
4. A **taxpayer** who pays the tax that will be the funding source for the project and who lives in the county, **appointed by the awarding agency**; and
5. A **taxpayer** who pays the tax that will be the funding source for the project and who lives in the county, **appointed by the county legislative body**.

## The Committee's Objective

After a duly appointed committee assembles in accordance with Indiana's Open Door Law, the committee is responsible for determining in writing the most common wage (mathematical mode), including fringe benefits, for each classification and level of skill. The committee must review county-specific data presented by the Indiana Department of Workforce Development, collective bargaining agreements, if applicable, and other data submitted by interested parties to determine wage rates appropriate to the county

where the project is located. Upon discharging this statutory duty, the committee's obligations are concluded.

## **Meeting Requirements**

### **Open Door Law**

The committee must meet in accordance with the provisions of Indiana's Open Door Law. IC 5-14-1.5. Public notice of the date, time, and place of the meeting must be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. Public notice must be given by the awarding agency by: (1) posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held; (2) and delivering notice to all news media which have requested such notices.

### **Date of the Meeting**

Indiana Code 5-16-7-1(f) requires that the committee meet and make a determination at least two weeks prior to the date fixed for the letting of the contract.

### **Meeting Location**

The committee has a statutory obligation to meet in the county where the project is located. IC 5-16-7-1(c).

## **Duties of the Committee**

Upon convening, the committee is charged with reviewing county-specific data presented by the Indiana Department of Workforce Development and other interested parties to determine wage rates appropriate to the area where the project is located. IC 5-16-7-4. Indiana Administrative Code 50 IAC 11-4-3(b)(1) stipulates that if other data is presented to the committee, including, but not limited to, reports of the U.S. Department of Labor and collective bargaining agreements between bona fide organizations of labor and employers, that this data be considered. However, the law specifically states that the committee does not have to consider information not presented at the meeting. IC 5-16-7-1(c).

After weighing the data, the committee must then determine in writing the classifications of the trades or crafts to be employed. These classifications are divided into the three classes: skilled, semiskilled and unskilled tradespeople. IC 5-16-7-1(c)(1). The committee must then determine, "a scale of wages for each." IC 5-16-7-4(1).

Indiana law provides that, "[t]he rate of wages determined . . . shall not be less than the common construction wage . . . currently being paid in the county where the project is located." IC 5-16-7-1(d). The Indiana Court of Appeals has defined the common construction wage to be the mathematical mode.

## Classifications and Classes

Since the adoption of the original prevailing wage law in 1935, "wage scales" have contained a scale of (classifications and) wages for each of the three skill classes. In *Union Township School Corporation v. State ex. rel. Joyce*, 706 N.E.2d 183, 187 (Ind. Ct. App. 1998), the Court of Appeals affirmed this structure, holding: "the common construction wage statute prescribes a two-step process. First the committee must classify the labor to be employed, that is, determine the trades or crafts to be utilized on the project. Then the committee must set wages for skilled, semiskilled, and unskilled workers within each classified trade or craft." *Id.*

Below is an example of this wage scale structure:

Level of Skill	Skilled		Semiskilled		Unskilled	
Classification	Base Wage	Fringe Benefits	Base Wage	Fringe Benefits	Base Wage	Fringe Benefits
Carpenter	\$ Rate	\$ Rate	\$ Rate	\$ Rate	\$ Rate	\$ Rate
Electrician	\$ Rate	\$ Rate	\$ Rate	\$ Rate	\$ Rate	\$ Rate
Laborer	\$ Rate	\$ Rate	\$ Rate	\$ Rate	\$ Rate	\$ Rate
Operating Engineer	\$ Rate	\$ Rate	\$ Rate	\$ Rate	\$ Rate	\$ Rate

## Computation of "Common"

The Indiana Court of Appeals, in *Union Township*, has defined "common" as "that which is customary, takes place daily, is widely used, or is generally known." 706 N.E.2d at 187. The court noted, "[i]n mathematical terms, this constitutes the 'mode.'" *Id.*

**Example:**

**Given the following set of ten numbers:**

17,    19,    20,    20,    22,    23,    23,    23,    30,    35

**The following are various possible mathematical computations:**

Average (Mean)	Median (Midpoint)	Mode	Number occurring most often	Common Wage
23.2	22.5	23	23 -- 3 Times	\$23.00

## Fringe Benefits

The Indiana Court of Appeals in *Union Township* found that the term “wages” includes fringe benefits. Moreover, the court, citing a previous decision in *Johnson v. Wiley*, 613 N.E. 2d, 459 n.3 (Ind. Ct. App. 1993), found that Indiana’s broad common-law definition of wages comports with the definition of “wages” found in Black’s Law Dictionary (6th ed.). That definition provides that a wage is:

Every form of remuneration payable for a given period to an individual for personal services, including salaries, commissions, vacation pay, dismissal wages, bonuses and reasonable value of board, rent, housing, lodging, payments in kind, tips, and any other similar advantage received from the individual’s employer or directly with respect to work for him.

[The] term should be broadly defined and includes not only periodic monetary earnings but all compensation for services rendered without regard to the manner in which such compensation is computed.

BLACK’S LAW DICTIONARY 1579 (6th ed. 1990).

Thus, for the purpose of determining the common construction wage, any fringe benefits paid to construction tradespeople in the county must be included in the computation of the common construction wage. For the purposes of the common construction wage, wages and/or fringe benefits do not include those benefits and/or taxes that are legally mandated by state or federal law.

## Exemptions

### Project Cost

Indiana Code 5-16-7-1(f) exempts all projects with an actual construction cost of less than \$150,000.

### Federally Funded Projects

## **INDIANA DEPARTMENT OF LABOR**

Generally, the common construction wage law is not applicable to public projects in Indiana that are to be paid for in whole or in part with funds granted by the federal government. However, the department of the federal government making the grant may consent in writing that the provisions of the common construction wage law are applicable to the project. (e.g. Environmental Protection Agency (EPA) grants that passes through the Indiana Department of Environmental Management (IDEM) are sometimes subject the common construction wage. )

### **Indiana Department of Transportation (INDOT) Projects**

The common construction wage law does not apply to contracts let by the Indiana Department of Transportation for the construction of highways, streets, and bridges. Indiana Code 8-23-9 applies to state highway projects. Additionally, these projects may may be subject to the federal Davis-Bacon Act and related acts if federal funds are involved.

### **Service Contracts**

Except as provided in Indiana Code 5-23, the common construction wage law does not apply to a person that has entered into an operating agreement with the state, a municipal corporation, or another political subdivision for the management or operation of a public facility under Indiana Code 5-23.

### **State Tax Rule**

Indiana Administrative Code 50 IAC 11 requires that local property tax control boards verify compliance with the common construction wage before approving capital project expenditures. Specific questions regarding this rule should be addressed to the Department of Local Government Finance (formerly the State Board of Tax Commissioners).

## **Additional Responsibilities of the Awarding Agency**

### **Advertising for the Contract**

Before advertising or accepting bids for the contract, the awarding agency must establish the common construction wage committee for purpose of establishing the wage scale for the project. IC 5-16-7-1(b).

### **Two-Week Wait Before Letting the Contract**

After the common construction wage scale has been established for a project and filed with the awarding agency, the awarding agency must wait at least two (2) weeks before letting the contract. A copy of the wage scale must be furnished upon request to any person desiring to bid on the contract. The wage scale should also be open to the inspection of the public. IC 5-16-7-1(f).

### **Common Construction Wage as a Condition of the Contract**

In accordance with Indiana Code 5-16-7-1(h), subsequent to establishing the common construction wage scale for a project, the awarding agency must include as a condition of a contract awarded that the successful bidder and all subcontractors comply strictly with the established wage determination.

### **Verification of the Contractor's Schedule of Wages**

Indiana Code 5-16-7-2 requires that the awarding agency verify compliance with the common construction wage prior to the start of work by any contractor and/or subcontractor. Before any contractor or subcontractor performs work on a public works project, the awarding agency must require each contractor and/or subcontractor performing work to file a schedule of the wages that are to be paid to workers on the project.

At a minimum, such a schedule must:

- (1) Be conveyed on company letterhead, if such exists, or otherwise be clearly labeled as to the identity of the contractor or subcontractor filing the schedule;
- (2) Be endorsed by a responsible company official and clearly indicate the name and title of the person endorsing the schedule;
- (3) Contain an estimate of the number of workers to be employed by that contractor or subcontractor on the project in each skill level within each classification specified in the wage determination; and
- (4) Set out the minimum wages and fringe benefits to be paid by that contractor or subcontractor in each skill level within each classification on that project

## Sample Agenda

**Notice to the Public:** This meeting is conducted in accordance with Indiana's Open Door Law. IC 5-14-1.5. All citizens are encouraged to participate in the discussion. After being recognized by the chair, please stand and state your name for the record.

### COMMON CONSTRUCTION WAGE COMMITTEE AGENDA

CALL TO ORDER

INTRODUCTIONS

STATEMENT OF PURPOSE

OVERVIEW OF THE LAW

PROJECT OVERVIEW

PRESENTATION OF DATA AND PROPOSALS (Open to public input)

- Indiana Workforce Development
- Awarding Agency
- Others

DISCUSSION

DETERMINATION AND ADOPTION OF WAGE SCALE (Close to public input)

- Evaluation of Data
- Adoption and Signing of Wage Scale

CLOSING BUSINESS

ADJOURNMENT

## Definitions

While some definitions below are explicitly provided within IC 5-16-7-1 et seq., others have been established through case law, or have evolved from the plain language of those terms. The following definitions are intended to give general guidance to the common construction wage committee. Please note that included in the appendix to this manual are the default guidelines and definitions that the Indiana Department of Labor uses for auditing purposes. Should a wage committee not otherwise define a term used on a wage determination, the department will use the term as defined in the appendix to verify a contractor's compliance with the wage scale.

**Apprentice:** A worker who learns, according to written or oral contractual agreement, a recognized skilled craft or trade requiring one or more years of on-the-job training through job experience supplemented by related instruction, prior to becoming a qualified skilled worker. Apprenticeship is best evidenced by registration with the U.S. Department of Labor, Bureau of Apprenticeship and Training.

**Class:** One of three divisions of skill level (i.e., skilled, semiskilled, and unskilled).

**Classification:** A categorization of the specific trades or occupations to be employed in the performance of a contract.

**Common:** According to *Union Township School Corporation v. State ex. rel. Joyce*, 706 N.E.2d 183, 187 (Ind. Ct. App. 1998), "that which is customary, takes place daily, is widely used, or is generally known." The court noted, "In mathematical terms, this constitutes the 'mode.'"

**Labor:** Specific task.

**Mode:** The value, in a set of numbers, which occurs with the greatest frequency (i.e., the most common). The mode is cited in *Union Township* as being synonymous with common.

**Public Work:** "[A]ny public building, highway, street, alley, bridge, sewer, drain, improvement, or any other work of any nature or character whatsoever which is paid for out of public funds, excepting as otherwise provided in this chapter." IC 5-16-7-4 (4). It includes those projects that will be owned by the awarding agency and those projects that will be leased with an option to purchase. IC 5-16-7-1(j)

**Public Work:** "[T]he construction, reconstruction, alteration, or renovation of a public building, airport facility, or other structure that is paid for out of a public fund or out of a special assessment. The term includes the construction, alteration,

or repair of a highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or out of a special assessment. The term also includes any public work leased by a political subdivision under a lease containing an option to purchase.” IC 36-1-12-2.

**Skilled:** A person who performs the work of a skilled craftsperson. Generally, a person who has completed a formal training program or who has written proof of a specified number of years experience to be considered a journeyperson.

**Semiskilled Apprentice:** Generally, as applied to the skilled trades, a person who is involved in a formal training program to become a journeyperson. Provisions of formal training include a progressive scale of wages, work processes and on-the-job training supervised by journeypersons. Apprenticesability is best evidence through individual registration in a bona fide apprenticeship program registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training.

**Unskilled Apprentice:** Generally, a person in their first year of a formal training program to become a journeyperson. Provisions of formal training include a progressive scale of wages, work processes and on-the-job training supervised by journeypersons. These persons generally assist other workers of higher competence by furnishing materials, tools, and supplies, and performing other support duties. Apprenticesability is best evidenced through individual registration in a bona fide apprenticeship program registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training.

**Wages:** “means all amounts at which the labor or service rendered is recompensed . . .” IC 22-2-9-1(b).

## Questions Concerning Wage Surveys

Questions regarding specific wage rates should be addressed directly to the agency or organization responsible for commissioning or compiling the survey.

### Indiana Department of Workforce Development Wage Surveys

For questions regarding these surveys, please contact:

Deputy Commissioner for External Affairs  
Indiana Workforce Development  
10 N. Senate Avenue  
Indianapolis, IN 46204  
(317) 233-1463

### Federal Davis-Bacon Wage Rates

For questions concerning these surveys, please contact:

Office of Wage Determinations  
Wage and Hour Division  
U. S. Department of Labor  
200 Constitution Ave. N. W.  
Washington, DC 20210  
(202) 693-0062

### Conducting Your Own Wage Survey

For questions concerning conducting your own wage survey, please contact:

Indiana Department of Labor  
Wage and Hour Division  
402 West Washington, Rm. W195  
Indianapolis, IN 46204  
(317) 232-2674

## Useful Web Sites

<http://www.in.gov/labor>

<http://www.in.gov/labor/wagehour/constructionwage.html>

<http://www.access.gpo.gov/davisbacon/>

## APPENDIX

### *Guidelines used by the Indiana Department of Labor for auditing purposes*

**A**s the executive agency vested with the authority to enforce each committee's wage determination, the Indiana Department of Labor conducts numerous audits of contractors' payroll records each year to verify wage compliance with the applicable common construction wage determinations. In conducting these public works audits, the department applies the respective common construction wage determinations as fixed in writing by the corresponding common construction wage committee. In applying these wage scales, if a wage scale fails to define a term, the department will conclude that the standard industry practices are to be applied to the wage scale. This section outlines the standard industry practices and definitions that the Indiana Department of Labor applies when conducting public works audits.

### **Guide to Building Trades Classifications with Descriptions**

***PLEASE NOTE: Unless otherwise stipulated by the common construction wage committee, the Indiana Department of Labor uses the following descriptions to determine the proper classification of workers on public works project. If a common construction wage committee fails to provide a description for a specific classification identified on a wage scale, and a description is not provided below, the department then refers to the U.S. Department of Labor's Dictionary of Occupational Titles.***

#### **1. Asbestos Workers/Mechanical Insulator – Skilled Trade**

Applies and removes all insulation materials on all mechanical structures, pipes, boilers, ducts, breechings, etc., application of damming and fireproofing materials for penetration seals.

#### **2. Asbestos Abatement – Skilled Trade**

Supervisor/Competent person supervises asbestos abatement workers and/or constructs the containment areas.

#### **3. Asbestos Abatement – (Mechanical Systems which remain in place)**

Cuts and removes asbestos material from mechanical systems, (pipes, boilers, ducts, flues, breeching, etc.); constructs or erects scaffolding; seals off work area with sheets of plastic visqueen or any material; sets up air monitors and negative

air machines; sets up clean rooms; wets asbestos with a wetting agent; double bags, seals and marks asbestos debris; removes bags of asbestos debris from the containment area; cleans up the sealed off area; cleans all mechanical systems and scaffolding; disassembles scaffolding; takes down sheets of plastic visqueen and prepares same for disposal.

**4. Asbestos Abatement – (Non-Mechanical)**

Removes asbestos material from non-mechanical systems, (floors, ceilings, walls, etc.) and mechanical systems (boilers, ducts, flues, breechings, etc.) which are being scrapped.

**5. Boilermaker – Skilled Trade**

Assembles, erects and repairs boilers and related equipment, attachments and accessories. Includes laying out, cutting, fitting and bolting, welding or riveting heavy metal plates, boiler tubes and castings, and all other work associated with the erection and repair of boilers and related equipment.

**6. Bricklayer – Skilled Trade**

Lays building materials such as brick, structural tile, concrete cinder, glass, gypsum, terra cotta block (except stone) to construct or repair walls, partitions, arches, and other structures. Measures distance from reference points and marks guidelines on working surface to lay out work. Spreads and applies mortar, removes excess mortar, finishes mortar. Breaks bricks to fit spaces too small for whole brick, fastens brick or terra cotta veneer to face of structures with tie wires embedded in mortar between bricks or in anchor holes in veneer brick, and all other work associated with the laying of building materials such as: brick, structural tile, concrete cinder, glass, gypsum, and terra cotta block (except stone).

**7. Carpenter – Skilled Trade**

Constructs, erects, installs and repairs structures and fixtures of wood, plywood and wallboard. Studies blueprints, selects specified type of lumber or other materials, prepares layout, marks cutting and assembly lines, shapes materials to prescribed measurements, assembles cut and shaped materials and fastens them together, verifies trueness of structure with plumb bob and carpenter's level, erects framework for structures and lays subflooring, builds stairs, lays out and installs partitions and cabinet work, covers subfloor with building paper to keep out moisture and lays hardwood, parquet and wood strip block floors by nailing to subfloor or cementing to mastic or asphalt base, applies shock-absorbing, sound-deadening and decorative paneling to ceilings and walls, fits and installs prefabricated window frames, doors and doorframes, weather stripping, interior and exterior trim, installs finish hardware such as locks, letterdrops and kick plates, constructs form and wooden chutes for pouring concrete, erects scaffolding and ladders for assembling structures above grounds level, and all other work associated with the construction, erection, installation or repair of structures and fixtures of wood, plywood and wallboard.

**8. Carpetlayer – Skilled Trade**

Lays carpet, rugs and linoleum including measuring, cutting, sewing and trimming carpet to fit along wall edges, openings and projections; installs composition, plastics, Venetian blinds; install carpet on walls, ceiling and any composition base tile or linoleum and any other accessory to carpet.

**9. Cement Mason – Skilled Trade**

All concrete construction, including foremanship of the same, such as buildings, silos, elevators, smoke stacks, curbs, and gutters, sidewalks, and roofs, or mass or reinforces concrete slabs and flat surfaces of cement. The operation and control of all types of vacuum mats used in the drying of cement floors in preparing same for finish, the operation of power driven floats and troweling machines. The finishing or washing of all concrete construction, using any color pigment when mixed with cement, in any other form-mosaic and nail coat whether done by brush, broom, trowel, float, or any other process including operation of machine scoring floors or any other purpose they may use for in connection with Cement Mason's Trade. The rodding, spreading and tamping of all concrete and the spreading and finishing of all top materials, sills, coping, steps, stairs, and risers, running all cement, and plastic material 6" base or less shall be the work of Cement Mason, all preparatory work on concrete construction to be finished or rubbed, patching, brushing, rubbing if done by machine or carborundum stone of all concrete construction, the setting of screeds of lumber, metal or other materials to determine the proper grade of concrete, when used to serve as forms, such as 2 by 4's or other plain pieces of materials, when held in place by stakes and or spreaders shall be done by Cement Masons. Any bulkhead that is one single board in height, and that has no key attached or which is not notched or fitted shall be set and braced or staked by Cement Mason, providing same is used as a screed. The pointing and patching and caulking around all steel and metal window frames that touch concrete. The operation of all gas or electric powered concrete saws when used for cutting a definite line where new concrete must be joined to old concrete. For any decorative purposed. The setting or nailing of all expansion joint materials when used for the purpose of grading concrete when taking place of a screed. The finishing of gypsum material roof. The spreading and finishing of latex materials when used for patching and leveling floors. All dry packing, grouting and finishing in connection with setting all machinery such as engines, pumps, generators, air compressors, tanks, leveling plates, etc., that is set on concrete foundations. All prefabricated and prestressed concrete construction; including the supervision of same, such as sidewalks, steps, floor slabs, beams, joists, walls and columns, also the screeding, finishing, rubbing, grouting, pointing and patching of same. The straight edging and, or finishing of all foundations and walls when poured to a definite grade. When troweling in hardeners of all concrete where chemicals are used. The spreading, screeding, darbying, trowel finishing of all types of magnesium oxychloride cement composition floors shall be the work of the magnetite composition cement mason, including all types of

oxychloride granolithic or terrazzo composition floors, hand grinding or machine grinding, the preparation of all sub-floor surfaces, bonding, the preparation and installation of ground or base courses, steps and cove base. The waterproofing of all work included in this classification such as ironite, hydrocide or mastic and any similar products, regardless of the tools used or the method of application, or color of materials used and regardless of the type of base these materials may be applied to. The placing and bedding of all perforated metal tile in concrete or grout.

#### **10. Drywall Finisher – Skilled Trade**

Points, tapes, finishes and sands all joints, nail holes, cornerbeads and blemishes on drywall surfaces, regardless of the type of materials or tools used; applies decorative textures to all surfaces.

#### **11. Drywall Installer – Skilled Trade**

Installs plasterboard or other wallboard to ceilings and interior walls of building, installs horizontal and vertical metal studs for attachment of wall board on interior walls, cuts angle iron and channel iron to specified size, suspends angle iron grid and channel iron from ceiling using wire, scribes measurements on wallboard, cuts wallboard to size, cuts out openings for electrical and other outlet, nails wallboard to wall and ceiling supports, trims rough edges from wallboard to maintain even joints, nails prefabricated metal pieces around windows and doors and between dissimilar materials to protect drywall edges, and all other work associated with the installation of plasterboard or other wallboard to ceilings and interior walls.

#### **12. Electrician – Skilled Trade**

Plans layout, installs, repairs, and handles in its entirety, wiring, electrical fixtures, apparatus, and control equipment not covered within the scope of Sound and Communication; measures, cuts, bends, threads, assembles, devise and perform means for the installation of, and installs all conduit and raceways; pulls wiring through conduit, and on/in any structure so designed to support electrical wiring; installs controls and distribution apparatus such as; switches, relays, panels, programmable computers, receptacles, etc.; connects power cables and branch circuits to equipment, and installs grounding wiring and/or devices; test continuity of circuits to insure electrical compatibility and safety components; observes functioning of installed equipment to detect hazards and/or performs need for adjustments; locates, relocates, replaces, and all other work associated with the installation and repairing of wiring, electrical fixtures, apparatus, and control equipment.

#### **13. Elevator Constructor – Skilled Trade**

Assembles, handles and installs electric and hydraulic freight and passenger elevators, escalators and dumbwaiters, determining layout and electrical connections from blueprints, pay out location of framework, counterbalance rails, motor pump, cylinder and plunger foundations, drills holes on concrete or

structural steel members, secures anchor bolts or welds brackets to support rails and framework, verifies alignment with plumb bob and level, cuts prefabricated sections of framework, rails and other elevator components to specified dimensions, installs cables, counterweights, pumps, motor foundations, escalator drives, guide rails elevator entrances and sills, elevator cars and control panels, connects electrical wiring to control panels and electric motors, installs conduit to all electrical control devices, safety and control devices, positions electric motor and equipment on top of elevator shaft using hoists and cable slings, and all other work associated with the assemble and installation of electric and hydraulic freight and passenger elevators, escalators and dumbwaiters; the performance of any and all repair, maintenance, adjusting, contract service, and/or on-call classification of work.

#### **14. Glazier – Skilled Trade**

Installs glass in windows, skylights, store fronts and display cases, or on surfaces such as building fronts, interior walls, ceilings and tabletops; marks outline or pattern on glass, cuts glass, breaks off excess glass, fastens glass panes into wood sash with glazier's points, spreads and smoothes putty around edge of panes with knife to seal joints, installs mirrors or structural glass on building fronts, walls ceilings or tables, bolts metal hinges, handles, locks and other hardware to prefabricated glass doors, set glass doors into frame and fits hinges, may install metal window and door frames into which glass panels are to be fitted, may press plastic adhesive film to glass or spray glass with tinting solution to prevent light glare, may install stained glass windows, may assemble and install metal framed glass enclosures for showers, and all other work associated with the installation of glass in windows, skylights, store fronts and display cases or on surfaces such as: building fronts, interior walls, ceilings and tabletops.

#### **15. Hod Carrier – Semiskilled**

Mixes and conveys mortar and bricks and tends mason. Builds scaffolds and places planks for masons.

#### **16. Ironworker – Skilled Trade**

Erects, installs, handles, secures, plumbs and aligns girders, columns, trusses and other structural steel members to form complete structures and frameworks, as well as all associated sheeting and decking; installs reinforcing steel for concrete and does all rigging and handling required; erects, installs, secures, plumbs and aligns pre-cast and/or pre-stressed concrete girders, columns, trusses and other structural type members and loads and unloads same; installs and secures chain link fence; does hooking on to, hand hoisting and placing on the foundation, all heavy machinery and all heavy electrical equipment.

#### **17. Laborer Foreman – Skilled**

Working foreman who oversees the duties of all workers classified as laborers; blasting, shooting, scaling, bottom work on installation, sheeting hand trenching

for sewer, air, water and conduit lines. Drillers and shooters for explosives, laborer specialists.

**18. Laborer – SemiSkilled**

The tending of mason and plasterers, shall consist of preparation of all materials and the handling and conveying by hand of materials to the point of erection or installation; scaffold erection, plonking, bolting, lining, leveling, bracing and total dismantling of same. This includes staging, signing and hanging scaffolds. The cutting, burning or otherwise cutting all steel structural beams, pipes, supports and other building components related to demolition; jackhammer, burner, air tools, cement vibrator and grinder, hand work on hazardous waste; work on installation and sheeting. Unloads and distributes fence and pours concrete posts.

**19. Laborer – Unskilled**

Unless excluded otherwise the tending of skilled trades/occupations shall consist of preparation and handling, of materials to the point of erection or installation and the hand loading, unloading, handling and distribution of materials; hand digging of all ditches for any purpose, the hand excavation of all piers, foundations, holes and trenches, mixing and pouring of concrete and related work; concrete, bituminous concrete or aggregates for walls, footings, foundations, floors and for any other construction; all vibrating, spreading. Flowing, puddling of aggregates by hand; wrecking, stripping, dismantling and handling concrete forms and false work. Handling of creosote lumber, hand held earth compactors, motor driven wheelbarrows and concrete buggies, pump crete assemblers, cement, lime or silica clay handlers, pneumatic spikes screed man or screw operator on asphalt paver and chain saw operator, manhole erectors, hand cutting of streets and surfaces for sewers, air lines, water lines and conduit lines. The laying of pipe and making of all connections and/or joints on gravity sewer and sub-surface to the building line with the exception of traditional plumbing and pipefitting work in Sections 25 and 27. Rakes asphalt; any general labor on building construction not designated to any other classification of work, including but not limited to digging, materials and work areas; and may assist in tearing down forms that are being scrapped; clears, fills backfills, grades and landscapes by hand all sites; traffic control. Portable temporary head. Rodman.

**20. Millwright – Skilled Trade**

Installs machinery and equipment according to layout plans, blueprints and other drawings in industrial establishment, reads blueprints and schematic drawings to determine work procedures. Dismantles machines, moves machinery and equipment, assembles and installs equipment such as shafting, conveyors and tram rails, constructs foundation for machines using hand tools and building materials such as wood, cement and steel. Aligns machines and equipment, assembles machines and bolts, welds, rivets or otherwise fastens them to foundation or other structures, may operate engine lathe to grind, file and turn machine parts to dimensional specifications, may repair and lubricate machines and equipment.

**21. Operating Engineers – Skilled Trade**

Operates all power equipment irrespective of motive of power associated with or incidental to construction work of the following nature: building (commercial, industrial, etc.), quarries, mining, underground utilities (gas, oil, water, sewer, etc.), dredging, wrecking, demolition, and hazardous waste operation. Power equipment shall include, but not limited to, all hoisting, excavating, drilling, and portable electric equipment such as: pumps, generators, welders, compressors, boilers. Operating Engineers shall also erect, dismantle, repair and maintain all power equipment.

**GROUP I – Skilled Trade**

Air Compressors 600 Cu. Ft. and over, Two Air Compressors, Apsco Paver, Asphalt Plant Engineers or Pug Mill, Back Filler, Backhoe, Barber Green Loader, Boiler Operator, Boom Tractor, Boom or Winch Truck, Boring Machine, Brush Mulcher, Bulldozer, Bilk Cement Plant, CMI or Similar Type Machine, Calbeways, Central Mix Plant Engineer, Chair Cart (Self-Propelled), Cherry Picker, Chip Spreader, Concrete or Asphalt Milling Machine, Concrete Mixers with Skip, Concrete Plant Engineers, Concrete Pump, Concrete Spreader, Curing Machine, Derricks, Ditching Machine 6" and Over, Ditching Machine with Dual Attachment, Draglines, Dredge Engineers, Dredge Operator, Dredging Equipment, Drilling Machine, including Well Testing, Caissons, Shaft or any similar type Drilling Machine, Electric Overhead Cranes, Elevating Machine, Engine or Rock Crusher Plant, Euclid Loader, Farm Tractor with Attachment, Finish Machine, Forklift (except when used for landscaping work), Formless Paver, Freezing Operator, Gradall, Gravel Processing Machine, Head Equipment Greasers, Helicopter Crew (3), Hydra Ax, Hydra Crane, Incinerator Operator, Loaders, Lull (or similar type machine), Marine Scoops, Mechanics, Mesh Placer, Mixer over 14S Capacity, Motor Patrol, Mudcat, One Drum Hoists with Tower or Boom, Pavement Breaker (Self-Propelled), Paver Operator, Paint Machine, Pile Driver (Skid or Crawler), Pipe Bending Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, 4 Post Lift System(Power Lift or similar type), Post Hole Digger (when attached to the equipment), Power Blade, Power Broom (Self-Propelled), Power Cranes, Power Shovel, Power Sub-Grader, Push Tractor, Refrigerating Machine, Repair and Maintenance of All Equipment, Rock Spreader, Rollers on Asphalt, Gravel, Macadam and Brick Surface, Large Roller on Earth, Root Rake, Ross Carrier or Similar Machine, Scoop-Mobiles, Skid Steer (Bobcat or similar type), Soil Cement Machines, Soil Stabilizer (Seaman Tiller, Bo Mag, Rago Gater and similar types), Snooper Truck Operator, Span Saw (and similar types), Standard or Dinkey Locomotives, Stump Remover, Tampers (other than hand operated), Tornadoizer, Tournamixer, Tournapull, Tower Machines, Tractor Highlight, Tractor Operating Scoops, Tractors Without Winch,

Tree Mover, Trimmer, Truck Crane, Truck or Skid Mounted Tower Crane, Tug Boat Operator, Two Drum Machine, Two Cage Hoist, Wall Point System, Winch or Hydraulic Boom Truck.

**GROUP II – Skilled Trade**

Air Compressor under 600 Cu. Ft., Air Tugger, Air Valves or Steam Valves from Plant, Barrell Type Mixer, Bull Float, Concrete Mixers without Skip, Conveyor, Deck Hands, Distributor Operator on Trucks, Ditching Machine under 6", Engine Tenders, Equipment Greaser, Fireman, Flex Plane, Forklift (when used for landscaping work), Form Grader, Form Tamper, Guniting Machine, House Elevators (when used for hoisting material), Mixers - 14S Capacity or less, Mud Jack, Oilers, One Drum Machine, One Welding Machine, One Water Pump, Operators to do winter repair work in shop between November 1st and March 1st, Rock Crusher, Siphon and Pulsometer, Rollers on Earth, Snooper Truck Helper, Striping Machine (Motor Driven), Super Sucker (and similar type), Switchman, Track Jack, Truck Crane Drivers - Oilers, Two to Four Generators or Welding Machine, Two to Four Water Pumps, Wagon Drill.

**22. Painter-Brush or Roll – Skilled Trade**

Applies coats of paint, varnish, stain, enamel or lacquer to decorate and protect interior or exterior surfaces, trimmings and fixtures of buildings and other structures including sign and pictorial painting, mural and scenic painting; smooths surfaces using sandpaper, brusher or steel wool and removes old paint from surfaces for painting; fills nail holes, cracks and joints with putty, plaster or other filler; selects premixed paints or mixes requires portions of substance to prepare paint; paints surfaces using brushes, or paint rollers; erects scaffolding or sets up ladders to perform tasks above ground level, takes care of all tools and equipment used by painters; and all other work associated with the application of paint, varnish, stain, enamel or lacquer to buildings and other structures.

**23. Painter-Spray/Sandblast – Skilled Trade**

Applies coats of paint, varnish, stain, enamel or lacquer using spray gun, removes old paint from surfaces using blowtorch or sandblaster. Removes said coating or cleans surfaces to receive coatings, using liquid, steam water blast, sandblast or any other power tools necessary.

**24. Paperhanger – Skilled Trade**

Applies all material of whatever kind or quality to walls or ceilings, with paste or adhesive, and tacks on muslin or other material which is used as wall or ceiling coverings or covered with material pasted on; removes said materials by whatever method necessary (scraping, steaming, etc.).

**25. Pipefitters & Steamfitters – Skilled Trade**

Lays out, fabricates, assembles, installs, handles and maintains piping and piping systems, fixtures and equipment for steam, hot water, heating cooling, lubricating, sprinkling and industrial processing systems, cuts pipe, threads pipe, bends pipe, assembles and installs by any means, pipefittings including those made of iron, brass, copper, lead, glass, plastic and fiberglass, joins pipe, secures pipes to structure, installs and maintains refrigeration and air-conditioning systems, test piping system for leaks, may weld holding fixtures to structural steel members, installs piping systems that must withstand pressure and all other work associated with the lay out, fabrication, assembly, installation and maintenance of piping systems. Sets all equipment and reinforcement thereto.

#### **26. Plasterer – Skilled Trade**

All interior or exterior plastering cement, stucco, stone imitation, dryvit, sto, R-wall, Sure-Wall and other outslulation materials, and all similar materials pertaining to the plastering industry or any paten material when cast, the setting of same, and also corner heads when stuck. This includes the plastering and finishing with hot composition material in vats, compartments or wherever applied; also taping and pointing of all joints, nail holes and bruises on wallboard, regardless of the type of materials or tools used; also the setting in place of plasterboards, ground blocks, patent dots, cork plates, Styrofoam, brownstone, and acoustical tile including temporary nailing, cutting and fitting in connection with the sticking of same. All acoustic blocks when stuck with any plastic materials, regardless of thickness. The sticking, nailing and screwing of all composition caps and ornaments. The preparing, scratching and browning of all ceilings and walls when finished with terrazzo, or tile. All mouldings run in place and all staff work, the making of templates and hersing of moulds in and on buildings.

#### **27. Plumber – Skilled Trade**

Assembles, installs, handles and repairs pipes, fittings and fixtures of heating, water and drainage systems according to specifications and plumbing codes, studies building plans and working drawings to determine work aids required and sequence of installations, inspects structure to ascertain obstructions to be avoided to prevent weakening of the structure resulting from installation of pipe, locates and marks position of pipe and pipe connections and passage holes for pipes in walls and floors, cuts and threads pipe, bends pipe to required angel, assembles and installs valves, pipe fittings and pipes, joins pipes, fills pipe system with water or air and reads pressure gages to determine whether system is leaking, installs and repairs plumbing fixtures, repairs and maintains plumbing, may weld holding fixtures to steel structural members. Lays pipe and make joints and connectors on water, air, sewers and other piping within the building line.

#### **28. Pointer/Cleaner/Caulker – Skilled Trade**

Sprays materials such as water, sand, steam, vinyl, paint or stucco through hose to clean, coat or seal surfaces, applies caulking compounds to seal crevices, grinds, sands or polishes surfaces such as: concrete, marble, terrazzo or wood flooring

using abrasive tools or machines and all other work associated with the cleaning, sealing and caulking of surfaces.

### **29. Roofer – Skilled Trade**

Covers roofs with roofing materials, handles materials, cuts roofing paper to size and nails or staples it to roof in overlapping strips to form base for roofing materials, aligns roofing material with edge of roof and overlaps successive layers, fastens composition shingles or sheets to roof with asphalt, cement or nails, punches holes in slate, tile, terra cotta or wooden shingles, cuts strips of flashing and fits them into angles formed by walls, vents and intersecting roof surfaces, when applying asphalt or tar and gravel to roof, mops or pours hot asphalt or tar onto roof base, applies alternate layers of hot asphalt or tar and roofing paper until roof covering is as specified, applies gravel or pebbles over top layer using rake or stiff bristled broom, applies waterproofing. Does all tear off of roofing systems. Applies all single ply systems pertaining to roofing and waterproofing. Applies all ballast when used in roofing for protection of same.

### **30. Sheet Metal Worker – Skilled Trade**

The Sheet Metal Worker is engaged, but not limited to, the (a) manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, alteration, repairing and servicing of all ferrous or nonferrous metal work and all other materials used in lieu thereof and of all air-veyor systems and air handling systems regardless of material used including the setting of all equipment and all reinforcements in connection therewith; (b) all lagging over insulation and all duct lining; (c) testing and balancing of all air-handling equipment and duct work, including all work pertaining to energy audits and management; (d) the preparation of all shop and field sketches used in fabrication and erection, including those taken from original architectural and engineering drawings or sketches. Also included is handling, installation, application, adjusting, alteration and repair of all types of sheets of tiles, flat, formed, corrugated or otherwise formed or reinforced of plain or protected metal specified for use in connection with or incidental to roofing, decking, flooring, siding, waterproofing for base and support of other materials or for ornamental or other purposes; handling, installation, application, adjusting, alteration and repair of sheet metal specified for use in connection with or incidental to roofs, steeples, domes, formers, ridges, copings, roofing, decking, gutters, roof flanges, flashings, gravel steps, down spouts, skylights and all other shapes, form and design of sheet metal; construction or repair of buildings fabricated with sheet metal and all types of building components (door enclosures, window frames, sills, partitions, etc.) made of sheet metal; installation, application, adjusting, alteration and repair, specified for use in connection with or incidental to direct, indirect of heating, ventilating, air conditioning and cooling systems, including risers, stacks, ducts, fittings, retrofittings, dampers, casings, recess boxes, outlets, radiator enclosures, exhausts, ventilators, frames, grilles, registers, cabinets, fans and motors, air washers, filters, air brushes, housing, air conditioning chambers, all setting and

hanging of air conditioning units, unit heaters or air-veyor systems and air handling and air treating systems; handling, installation, application, adjusting, alteration and repair of all types of sheet metal furniture and equipment, lockers, shelving, library and storage stacks, bins, sinks, drain boards and sheet metal kitchen equipment.

**31. Sound and Communication – Skilled Trade**

Performs installation, operation, inspection, maintenance, repair, handling and service of radio, television, recording, voice sound and vision production and reproduction apparatus, equipment and appliances used for domestic, commercial, education, entertainment and private telephone systems and micro processor controlled fire alarm systems.

**32. Sprinkler Fitter – Skilled Trade**

Installs, dismantles, maintains, handles, repairs, makes adjustments and corrections of all fire protection and fire control systems including the unloading, handling by hand, installation of all piping or tubing, appurtenances and equipment pertaining thereto, including both overhead and underground fire mains, fire hydrants and hydrant mains, standpipes and hose connections to sprinkler systems, sprinkler tank heaters, air lines and thermal systems used in connection with sprinkler and alarm systems, also all tanks and pumps connected thereto, also included shall be CO-2 and Cardox Systems, Dry Chemical Systems, Foam Systems, and all other fire protection systems, but excluding steam fire protection systems.

**33. Stone Mason – Skilled Trade**

Sets stone structures such as piers, walls, abutments or lays walks, curbstones or special types of masonry, shapes stone preparatory to setting, spread mortar over stone and foundation with trowel and sets stone in place by hand or with aid of crane, aligns stone with plumb line and finishes joints between stone with pointing trowel and all other work associated with the setting of stone.

**34. Teamster – Skilled Trade**

Drives truck to transport materials in liquid or packaged form to and from specified destinations. May load and unload truck, inspect truck equipment and supplies and may perform emergency roadside repairs and performs all other work associated with the transporting of materials.

**35. Technical Engineer – Skilled Trade**

Layout Man - Lays out exterior of building, interior walls and any other lines or elevations of structure. Instrument – Performs any instrument work concerning the layout of buildings.

**36. Terrazzo, Tile, and Marble Setter – Skilled Trade**

Applies cement, sand, pigment and marble chips to floors and walls of buildings. Also applies tile, and sets marble slabs and repairs and polishes slabs previously set in buildings.

**37. Terrazzo, Tile, and Marble Setter – Unskilled**

Tends terrazzo, tile, and marble setter, according to level of skill.

**38. Truck Driver Mechanic – Skilled Trade**

Repairs and overhauls trucks and other automotive vehicles. Rebuilds parts, rewires ignition system, lights and instrument panels, relines and adjust brakes, aligns front end, repairs and replaces shock absorbers, solder leaks in radiator, replaces and adjust headlights, installs and repairs accessories and all other work associated with the repair of trucks and other automotive vehicles.

## **Guide to the Classes (Skill Levels) of Trades/Occupations**

***PLEASE NOTE: Unless otherwise stipulated by the common construction wage committee, the Indiana Department of Labor uses the following to determine the proper classing of each occupation/trade.***

### **Use of Apprentices within a Skilled Trade/Occupation**

As the majority of building trades/occupations are classed as skilled trades /occupations, in the absence of a wage determination for the classes of semiskilled and unskilled workers in a particular skilled occupation/trade it is assumed that the occupation/trade utilizes apprentices that are enrolled in a bona fide U.S. Department of Labor, Bureau of Apprenticeship and Training (BAT) certified program to become skilled tradespersons. Unless otherwise directed by the wage committee, it is assumed that these apprentices are allowed to be paid the individually warranted percentage rates of the skilled rates established for the skilled trades/occupations by the common construction wage committee. These individually warranted percentages are those established by the respective bona fide apprenticeship programs.

Unless otherwise directed by the common construction wage committee, the Indiana Department of Labor views apprentices as individuals employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training.

Unless otherwise directed by the common construction wage committee, the Indiana Department of Labor views the proper wage rates to be paid to apprentices as those specified by the particular programs in which they are enrolled, expressed as a percentage of the skilled/journeyperson rate on the common construction wage determination. In the event employees reported as apprentices on a covered project have not been properly registered within the meaning of the Bureau of Apprenticeship and Training regulations and the contract stipulations, or are utilized at the job site in excess of the ratio to journeypersons permitted under the approved program, they must be paid the applicable wage rates for occupation/trade employed on the project performing in the classification of work they actually performed. This applies regardless of work classifications which may be listed on the submitted payrolls and regardless of their level of skill.

### **Use of Semiskilled and Unskilled Classifications within a Skilled Trade**

Absent other guidance from the common construction wage committee, if the wage committee specifically fixes a wage rate for the semiskilled and/or unskilled levels within a trade/occupation that the Indiana Department of Labor views as a skilled

trade/occupation, the department will use the following guidelines to determine the correct wage rates for these apprenticeship levels.

**Semiskilled Apprentice:** A person who is enrolled in a BAT certified apprenticeship program to become a skilled tradesperson and who is beyond their first year of apprenticeship as defined by the individual's bona fide apprenticeship program.

**Unskilled Apprentice:** A person in their first year of a BAT certified apprenticeship program to become a skilled tradesperson.

## **Guide to Determining Fringe Benefits**

### **Fringe Benefit Calculation**

A fringe benefit is considered by the Indiana Department of Labor to be any form of payment other than cash that is accrued on the behalf of, or to the benefit of, an employee and recompensed to the employee as a form of payment for services rendered. They would not include benefits or entitlements that are mandated by laws other than Indiana Code 5-16-7-1 et seq.

*Fringe benefits would include, but would be limited to the following:*

**Uniforms:** if the wearing of uniforms is optional and an employee exercises this option, the employer is credited the cost as evidenced by billing statements. No credit is given if uniforms are mandatory.

**Disability, Health, Life, and other Insurance:** if an employee is covered by an employer's insurance company, the amount the employer contributes on the employee's behalf is credited. This should be evidenced through monthly billing statements.

**Expense Accounts, Lodging, and Meals:** if paid directly to a worker and not a third party, credit is granted. This should be evidenced through employer's records.

**Transportation:** if a mode of transportation is made available to an employee for personal use, the employer is credited. This should be evidenced through mileage log indicating personal miles. Credit will be given at the IRS per-mile allowance. If the vehicle is limited to only business use, no credit will be given.

**Pensions, 401(k)s, Annuities, and IRAs:** These will be credited to the employer if the contributions are made by the employer on the employee's behalf into a fund that may only be accessed by the employee. Provisions which allow for a reversion of contributions back to the "pool" should a worker leave before being vested are acceptable. If the contributions can revert to the company, however, no credit is given. This should be evidenced through records from the independent fiduciary.

**Holiday, Vacation, and Sick Leave:** Calculated at the employee's customary hourly rate, not the common construction wage. Credit is given for all vacation, holiday, and sick days given throughout the calendar year.

***Fringe benefits would not include:***

State and federal taxes, social security, Medicare, unemployment insurance, worker's compensation insurance, cost of tools, and cost of safety equipment.

**Standard Formulas for the Calculation of Hourly Fringe Benefits**

The Indiana Department of Labor uses the general principal that there are 2080 working hours in a year. Accordingly, the total yearly value of a fringe benefit divided by 2080 hours is used to compute an hourly rate for each fringe benefit. This divisor is adjusted for seasonal work. Below are three illustrations of how this formula may be used.

Accrued Vacation Days	X	8 Hours Per Day	X	Normal Hourly Rate	=	Hourly Fringe Benefit for Vacation
2080 Hours (or Actual Number of Hours Worked per Year)						
Monthly Health Insurance Premium	X	12 Months Per Year			=	Hourly Fringe Benefit for Health Insurance
2080 Hours (or Actual Number of Hours Worked per Year)						
Performance Bonus					=	Hourly Fringe Benefit for Bonus
2080 Hours (or Actual Number of Hours Worked per Year)						

After each fringe benefit is converted to an hourly cash equivalent, each is added together to arrive at the total hourly fringe benefit. This total combined with the regular hourly rate paid on the project should be equal to or greater than the wage set by the common construction wage committee for the classification (trade/occupation) and class (level of skill) of work performed on the public works project.